

Board of Mayor and Aldermen  
Regular Meeting, Nolensville Elementary School  
Thursday, February 2, 2006, 7:00 p.m.

Vice-Mayor Tommy Dugger opened the meeting at 7:03 p.m. Members present were Vice-Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger, and Larry Felts. Mayor Charles Knapper was absent. Staff present was Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 63 citizens present.

Mr. Willis Wells led the prayer and pledge.

Vice-Mayor Dugger asked for citizen's comments.

Dr. James Clark, 921 Oldham Drive, inquired about the ethics bill. Counsel Notestine noted that recently there was a staff meeting and it was felt that due to Metro Nashville and the State of Tennessee reviewing a similar document the town would wait on their wisdom to review their final document. Dr. Clark noted that the state and metro is a much larger level of government. Alderman Felts stated that this is being addressed by Alderman Curtsinger and himself.

Mr. Phillip Tuck, 812 Alec Court, noted that he has lived in Nolensville for eleven years and is getting a little scared about the building that is being performed early in the morning till late at night. He asks the board to be proactive and please review a noise ordinance. He noted that the blog appeared to be very one sided and asked if the author was in attendance (there was no response). Alderman Alexander stated that he believed the writer was in the audience. He ask that the town compose a website that would produce accurate information.

Mr. Al Casey, Fly Road, noted that his property was adjacent to the McFarlin development and agrees with Mr. Tuck in regards to the noise ordinance. He also requested that this development have a berm blocking his property from the development.

Ms. Sheryl Williams Holt stated that her family owns property at 2538 York Road and was in attendance to speak in favor of the rezoning from ER to SR. She told the board that she would appreciate their vote for this rezoning.

Ms. Bridgette Hines, 713 Honors Court, stated that she has a concern in regards to the noise and her foundation from the blasting. She noted that she had received a letter in regards to the development behind the Post Office and has a concern about the buffer and water run-offs in the storm drains. She further stated that if two or three story buildings were permitted in this area, she did not feel that this would be very aesthetic.

Mr. Mike O'Kain, 1250 Countryside Road, stated that he was partially responsible for the ad that was placed in the Nolensville Dispatch. He stated that his point was to tell the people that that for the 20 homes that will be built, the public is not told about the five acres that will be flood plain. He stated that some Aldermen believe it is o.k. to have PUD's. He stated that he was against PUD's and against rezoning. He asks that the board vote against this. Alderman Alexander asked Mr. O'Kain if he lived in the Subdivision. Mr. O'Kain stated that he did. He then asked Mr. O'Kain if he was against PUD's. Mr. O'Kain stated that he was. Alderman Alexander asked Mr. O'Kain if he was against the rezoning request tonight. Mr. O'Kain stated that if it was a PUD.

Alderman Curtsinger read a letter from Ms. Shannon Gamble, 2167 Kidd Road, stating her concern of the number of cars that will be traveling Kidd Road. She ask that forethought go into paving Kidd

Road, to slow down the growth and give the roads time to catch up with the development. She asks in the letter that the town review other towns to analyze the harm on cities with “growth too fast”.

Ms. Joyce Allemore, Fly Road, read a letter that she had written to the board. She noted that reading the minutes the descriptions were not very good. She stated that she went to town hall and met with Mr. Henry Laird. Ms. Allemore read excerpts from Ordinance #05-25. She noted that the property across from her residence is the McFarlin property. She noted that she has talked to various people who have told her there is no need to fight city hall. She stated that she is not fighting, but merely wanting to keep the critters in the larger acreage. She asks that a hold be placed on rezoning until lot sizes and lines can be revisited.

Ms. Tracy Kujawa, 9840 Sam Donald Road, noted that she is the founder of Angel Heart Farm. She stated that this is an equine farm for cancer survivor patients that have been here since 2004. The serenity of Nolensville is being threatened. Land was recently sold to developers that are adjacent to the Angel Heart Farm. A letter was read from a parent of a child that utilizes Angel Heart. She asks the board to please protect Angel Heart Farm and control the potential growth.

Ms. Shelly Wolff, 9775 Split Log Road, stated that she was at this meeting to reiterate Ms. Kujawa comments.

Dr. Ted Behar, 9868 Sam Donald Road, noted that he is here to oppose Rocky Fork Road rezoning. He stated that the town has appointed and elected officials who continue to say they are against these issues. He noted currently we have a circumstance where the town can make them build a standard subdivision. In the one and only instance we could now say no.

Alderman Curtsinger made a motion to approve the minutes from January 5, Vice-Mayor Dugger seconded. Alderman Alexander stated that on the bottom of page six Alderman Dugger made a motion in regards to Phase II. This is incorrect. This should read Phase III. This was agreed. With this correction, the minutes were passed unanimously.

Vice-Mayor Dugger stated that the treasurer’s report was before the board. Alderman Alexander made a motion to approve this report, Alderman Felts seconded. Alderman Curtsinger stated that he had not received the report. The vote was taken for approval with Vice-Mayor Dugger, Aldermen Alexander, Felts for, and Alderman Curtsinger against.

Mr. Willis Wells reported the following for the Planning Commission:

- Winterset Final Plat Section II was approved with conditions
- Rezoning between York Road was discussed
- Land Use Plan was modified
- Landscape requirements were discussed
- Approval was granted to a six-month limitation on a grading permit
- Turn around of a minimum of one foot was approved
- Monthly bond report was approved

Betty Friedlander reported for the Historic Commission:

- Wanda Barker is now Chairperson of this Commission
- Kirk Duclouse is Vice-Chair of this Commission

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Pump Class is currently being held
- New members class has begun
- Budget is being reviewed.
- Currently have two thermal units

Rich Woodroof reported for the Codes Department.

- 240 inspections performed
- 40 new home permits issued
- Brittain Lane repair began
- Amec reviewed Section IV of McFarlin Woods
- Bent Creek Roads have been reviewed and some repairs will be made

Chief Paul Rigsby reported for the Police Department.

- Noted that a written statistical data was submitted to the board

Vice-Mayor Dugger reported for the Public Works.

- Stated a written report was submitted

Alderman Curtsinger asked for a timetable on “No Parking” signs to be erected. Engineer Woodroof stated that he would make this a priority.

Due to Mayor Knapper’s absence there was not a Mayor’s report.

Vice-Mayor Dugger announced there would be a fund-raiser at Ravenwood High School on February 13 with Buddy Jewell, Pam Tillis and Marcus Hummon performing. He encouraged everyone to attend.

Public hearing for ordinance #05-25, an ordinance to annex certain territory east of current corporate boundaries adjacent to Rocky Fork Road and including parcels running north to Kidd Road opened at 7:50 p.m. Counsel Notestine noted the process of adopting an ordinance. Mr. Laird pointed to the property on a map. Alderman Alexander inquired about a portion of property in which a property owner requested to be removed. It was noted that this ordinance could be amended during the second reading.

Ms. Lola Rooker stated that she owns three parcels and lives in Mount Juliet. She stated that she objected to this, although the two owners beside her want to be annexed. She stated that she was a blue-collar worker and knows the town will take her to court.

Mr. Neal Cole, 2189 Kidd Road, stated that his property is in the proposed annexation area. It was noted that his property was not in the proposed annexation area. He then had no comment.

The public hearing closed at 7:57.

Public hearing for resolution #05-14, a resolution adopting a Plan of Service for annexation ordinance #05-25 opened at 7:57. Counsel Notestine briefly explained this resolution. There was no public comment. The public hearing was closed at 7:58.

Public hearing for Ordinance #06-01, an ordinance to amend the zoning map of Nolensville, Tennessee to rezone property currently Suburban Residential (SR) to Commercial Services with Commercial Corridor Overlay and Office Industrial opened at 7:58. Counsel Notestine noted the process of the ordinance and Mr. Laird showed the location of this request. There was no public comment. The public hearing closed at 8:01.

Public hearing for Ordinance #06-02, an ordinance to amend the zoning map of Nolensville, Tennessee to rezone property currently Urban Residential (UR) to Commercial Services (CS) opened at 8:01. Mr. Laird illustrated the location of this property.

Dr. James Clark, 912 Oldham Drive, stated that this request went through the Planning Commission and he had reservations about this project. The town agreed to have town homes and low density housing in this area. He stated that he did not think the town should rush into this. He stated that we jump too quickly. He further stated that he expressed this concern at the Planning Commission meeting.

Mr. Laird stated that this is zoned Urban Residential that allows five units per acre. Counsel Notestine stated that this has been zoned Urban Residential for approximately 10 years.

Mr. Phil Tuck, Alec Court, stated that the way the public is approached in regards to a public hearings maybe the reason for the disappointment.

Mr. Frank Wilson, Nolensville Road, stated that he is a Planning Commission member and noted that there is a buffer zone and a road to Nolen Park. He further noted that being a Planning Commission member he feels that this is the most feasible way to go.

Citizens from the audience asked various questions. One asked for the buffer zone size. It was noted 40 foot. Another asked for the road width. There was a brief discussion on this issue. Planning Commission Larry Gardner stated 50 foot. A citizen asked if a McDonald's could be built at that location. Engineer Woodroof stated that yes it would be allowed in that zoning.

Ms. Kathryn Crammer, 808 Alec Court, stated that she wanted to echo what Dr. Clark had said. She noted that the neighbors would have to listen to the noise forever.

The public hearing closed at 8:16.

Second reading for ordinance #05-32, an ordinance to rezone property currently Suburban Residential (SR) to Commercial Regional (CR). Counsel Notestine noted that this is second reading. Mr. Laird illustrated the location on the map. Alderman Curtsinger inquired about the depth? Mr. Laird stated that it varies. Alderman Curtsinger verified that this was the property involved in the Brentwood lawsuit. It was stated that he was correct. Vice Mayor Dugger stated that he felt the town should look at the Commercial Regional zoning setbacks. Alderman Felts noted that the owners did request this change. Alderman Alexander stated that this gives the town the opportunity to have a larger "box".

A motion was made to approve this ordinance by Alderman Felts, seconded by Alderman Alexander. The vote was taken and passed unanimously.

Second reading for Ordinance #05-33, an ordinance to rezone property currently Suburban Residential (SR) to Commercial Services (CS). Mr. Laird noted that this is Mr. Tom Herbert's property. Alderman Alexander inquired if this was in compliance with the town's Land Use Plan. Town Planner Laird stated that it does comply.

Alderman Alexander made a motion to approve this ordinance, Vice-Mayor Dugger seconded. This ordinance was passed unanimously.

Second reading of Ordinance #05-34, an ordinance to rezone property currently Estate Residential (ER) to Suburban Residential (SR). Counsel Notestine noted that these are six tracts of land that are being requested to be rezoned. Vice Mayor Dugger made a motion to approve this ordinance, Alderman Alexander seconded. Vice-Mayor Dugger made a motion to delete Map 57, parcel 36 and Map 56, parcel 117.01, Alderman Alexander seconded. This amendment passed with Vice-Mayor Dugger, Aldermen Alexander and Felts for, Alderman Curtsinger against.

Alderman Curtsinger noted that the developer of this property came to him and ask that he recuse himself from the vote due to his residence on Nolensville Road and a conflict of interest. Alderman Curtsinger stated that he did not feel there was a conflict of interest. After conferring with Counsel they did not feel there was a conflict of interest.

Alderman Dugger noted that the new Land Use Policy would not allow a PUD in this area. Alderman Curtsinger asked Counsel if this could be changed. Alderman Alexander noted that it was his understanding that the Board of Mayor and Aldermen cannot over turn the Land Use Plan. The Planning Commission is the governing body that adopts this document.

Counsel Notestine stated that the Board could approve zoning. Alderman Alexander stated that this is a very important document and this board cannot overturn it.

Alderman Curtsinger noted that this board currently has a unique opportunity in regards to this rezoning. He noted that he has heard people say that they don't want to cut grass. The town has given them that option with the other PUD's. We do not have estate lots. We have an opportunity to build 5-acre tracts. I protest the fact that we did not have an option three on the Land Use Plan. The new Land Use Plan came about because a developer made a request and then with drew the request. The Land Use Plan was approved to permit this rezoning.

We owe it to this town to leave this estate residential and give variety. The Sunset School will be full next year. I think schools are a major part of infrastructure. Now you cannot get out at Rocky Fork Road. I cannot see putting this strain on the roads. If this were such a great idea the Land Use Plan would not have been so controversial. If you read the article in the Williamson AM from Peter Jordan, the committees set the agenda. When these committees make recommendations the Board listens. The town cannot afford this especially when you hear how much Waller Road is going to cost the town. The town cannot even afford a traffic signal.

Alderman Alexander said Alderman Curtsinger was incorrect regarding the approval of the Land Use Plan. The Land Use Plan was started before this rezoning request and was not approved to allow approval of this zone change request.

Vice-Mayor Dugger noted the Town has tried to get a traffic light and the criteria in the past has not met the guidelines to install this device. Vice-Mayor Dugger also noted that Alderman Curtsinger continues to give constituents bad information.

Alderman Felts questioned if the property was in the town limits. It was noted this property was in the town limits.

Vice-Mayor Dugger stated that our Urban Growth Boundary changed the town's growth plans and required a new Land Use Plan.

Alderman Curtsinger stated that the people of this town don't deserve overcrowded schools.

Alderman Alexander stated that he initially voted against this at first reading due to a question of ownership of the property. This has been rectified.

The vote was then taken for approval of this ordinance as amended, Vice-Mayor Dugger and Alderman Alexander for, Aldermen Curtsinger and Felts against. This was defeated with a tie vote.

Second Reading of Ordinance #05-35, an ordinance to amend the zoning ordinance to amend and add various definitions. Alderman Curtsinger asked Mr. Laird if there were any questions in regards to these definitions. Mr. Laird stated not to his knowledge.

Vice-Mayor Dugger made a motion to approve this ordinance, Alderman Alexander seconded and this passed unanimously.

Second Reading of Ordinance #06-03, an ordinance to amend fees relating to fee schedules which were adopted previously in ordinance #97-18 and amended by ordinance #99-18. Engineer Woodroof noted that this is compatible with other municipalities within this area. Vice-Mayor Dugger made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

Reading of resolution #06-03, a resolution for an addendum to resolution #97-17 the adoption of a Personnel Policy and Procedure Manual in regards to sick leave. Counsel Notestine noted that a resolution requires only one reading. Vice-Mayor Dugger made a motion to approve this resolution, Alderman Curtsinger seconded and this passed unanimously.

Reading of resolution #06-04, a resolution to formally enter into an agreement with Mr. John Poole a CPA. Vice-Mayor Dugger made a motion to approve this resolution. Alderman Curtsinger seconded and this passed unanimously.

Other:

Alderman Curtsinger stated that he would like to see the town purchase a power point computer system. Approval was given by acclamation to look into a power point system.

The meeting adjourned at 8:55.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Charles F. Knapper  
Mayor